

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JESUS IXTA-SALAZAR,

Defendant.

)
)
)
)
)
)
)
)
)
)

CASE NO. 8:08CR326

ORDER

This matter is before the Court on the Defendant's motion to extend the time for filing a motion for a certificate of appealability and a notice of appeal (Filing No. 153).

On October 20, 2011, the Court filed a Memorandum and Order and Judgment denying the Defendant's motion filed under 28 U.S.C. § 2255. On January 27, 2012, the Defendant placed into the mail system a motion to extend the time for filing a motion for a certificate of appealability and a notice of appeal.

Federal Rule of Appellate Procedure 4 states that a party requesting an extension of time to file a notice of appeal must file the motion for an extension no later than 30 days after the deadline expires. Fed. R. App. 4(a)(5)(A)(I). In this case, the appeal deadline was December 19, 2011. Therefore, the motion for extension of time would have had to be placed into the mail system no later than January 18, 2012. Therefore, the motion to extend the deadline is untimely and must be denied.

IT IS ORDERED:

1. The Defendant's motion to extend the time for filing a motion for a certificate of appealability and a notice of appeal (Filing No. 153) is denied; and
2. The Clerk is directed to mail a copy of this order to the Defendant at his last known address.

DATED this 31st day of January, 2012.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge